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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,155	03/08/2006	Csaba Bona	CSBO0101PUSA	3472
22045 7590 11/04/2008 BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075				
EXAMINER DECKER, CASSANDRA L				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,155

Applicant(s)

BONA, CSABA

Examiner

CASSANDRA DECKER

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

Claim Rejections – 35 USC 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, spectral and temporal separation of packet transmission in the case of $N=1$, where one packet is sent over one network, are not possible.

Claims 2-6, 8, and 9 apply only to the case where $N=2$ and are not valid where N is not equal to 2.

Claim 8 recites the limitation "two message identifications sent in a last packet". It is unclear how the last packet is determined, and whether this means there is a last packet for each of the N packet sequences sent over the N networks.

Claim Rejections – 35 USC 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 7, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujimori (US 5995506).

For Claim 1, as understood in light of the rejection under 35 USC 112, Fujimori teaches a method for transmitting electronic data comprising: preprocessing the data, at a sender's side, into N types of packets by virtue of combining every N-th ($N=1, 2, 3, \dots$) bit into one type of the N types of packets (see column 2 lines 42-56: let $N=1$); and sending the N types of packets to a receiver independently of one another, with spectral separation via N networks with time shifted-transmission (see column 2 lines 57-63: let $N=1$).

For Claim 7, as understood in light of the rejection under 35 USC 112, Fujimori teaches the method characterized in that devices which are responsible for forwarding the packets in the respective network are each connected to only one network (see Figure 1 and column 4 lines 17-22: let $N=1$).

For Claim 10, as understood in light of the rejection under 35 USC 112, Fujimori teaches the method characterized in that the transmission in N networks takes place over wires and/or wirelessly (see Figure 1 and column 4 lines 17-30: let $N=1$).

Claim Rejections – 35 USC 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1, 2, 4-6, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shu et al. (US 2003/0115364) in view of de la Torre et al. (US 2003/0065656).

For Claim 1, as understood in light of the rejection under 35 USC 112, Shu teaches a method for transmitting electronic data comprising: preprocessing the data, at a sender's side, into N types of packets (see Figure 5, paragraphs 33 and 36); and sending the N types of packets to a receiver independently of one another, with spectral separation via N networks with time-shifted transmission (see paragraphs 20 and 37: independent transmission; paragraph 98: separation; paragraphs 63, 45: separate networks).

Shu does not teach combining every N-th ($N=1, 2, 3, \dots$) bit into one type of the N types of packets. However, de la Torre teaches combining every N-th ($N=1, 2, 3, \dots$) bit into one type of the N types of packets (see Figure 17 and paragraph 107: bit-wise round-robin distribution of data).

Thus it would have been obvious to a person of ordinary skill in the art at the time of invention to distribute bits among the packets of Shu in a round robin manner as taught by de la Torre. The motivation for doing so would be to provide the efficiency and security benefits of de la Torre (see paragraph 5) to the data transmission method of Shu.

For Claim 2, as understood in light of the rejection under 35 USC 112, Shu further teaches the method characterized in that the sender preprocesses the data into two types of packets (4u, 4g) (see Figure 5 and paragraphs 33 and 36) which are sent to the receiver independently of one another, spectrally separated via two networks (5u, 5g) with time-shifted transmission (see paragraphs 36, 37, and 98: multiple networks, separation).

For Claim 4, as understood in light of the rejection under 35 USC 112, Shu further teaches the method characterized in that bits in an original bit sequence of an original message are combined into one type of packet and bits are combined into another type of packet.

Shu does not teach combining every N-th ($N=2$) bit into one type of the N types of packets. However, de la Torre teaches combining every N-th ($N=2$) bit into one type of the N types of packets (see Figure 17 and paragraph 107: bit-wise round-robin distribution of data).

Thus it would have been obvious to a person of ordinary skill in the art at the time of invention to distribute bits among the packets of Shu in a round robin manner as taught by de la Torre. The motivation for doing so would be to provide the efficiency and security benefits of de la Torre (see paragraph 5) to the data transmission method of Shu.

For Claim 5, as understood in light of the rejection under 35 USC 112, Shu further teaches the method characterized in that each terminal device, the sender and the receiver, connected to the two networks has two identities associated with the two networks (see paragraphs 37, 38, and 41).

For Claim 6, as understood in light of the rejection under 35 USC 112, Shu further teaches the method characterized in that each identity of the respective terminal device, sender and receiver, connects the terminal device to a respective one of the two networks (see paragraphs 37 and 38).

For Claim 8, as understood in light of the rejection under 35 USC 112, Shu further teaches the method characterized in that the two types of packets can be assembled according to an original message by two message identifications sent in a last packet (see paragraph 105: segment identifiers).

For Claim 9, as understood in light of the rejection under 35 USC 112, Shu further teaches the method characterized in that a time shift between transmissions in the two networks is produced by the different paths taken (see paragraph 98).

For Claim 10, as understood in light of the rejection under 35 USC 112, Shu further teaches the method characterized in that the transmission in N networks takes place over wires and/or wirelessly (see paragraph 18).

7. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shu et al. (US 2003/0115364) and de la Torre et al. (US 2003/0065656) as applied to claims 1 and 2 above, and further in view of Preston et al. (US 2002/0032853).

For Claims 3 and 7, the references as applied above do not teach the method characterized in that the two types of packets (4u, 4g) are sent via the two separate networks (5u, 5g) containing no common nodes, or that the devices which are responsible for forwarding the packets in the respective network are each connected to only one network. However, Preston et al. teach the two types of packets (4u, 4g) being sent via the two separate networks (5u, 5g) containing no common nodes, and devices which are responsible for forwarding the packets in the respective network being each connected to only one network (see paragraph 46 and Figure 4).

Thus it would have been obvious to a person of ordinary skill in the art at the time of invention to use the dynamic link allocation functions of Preston et al. in the network traffic camouflaging system of Shu and de la Torre. The motivation for doing so would be to achieve the application transparency advantages of the system according to Preston.

Response to Arguments

The amendments to the claims are accepted.

The objections to claims 1-5, 8, and 9 are withdrawn in view of the amendments made to the claims.

The rejections of claims 4 and 8 under 35 USC 112, second paragraph, made in the first Office action are withdrawn in view of the amendments to the claims. However, new rejections under 35 USC 112, second paragraph, have been made in the instant Office action.

The rejections of claims 1-10 under 35 USC 101 are withdrawn in view of the amendments to the claims.

Applicant's arguments regarding the rejections of claims 1-10 under 35 USC 103 have been fully considered, but are moot in view of the new rejections under 35 USC 102 and 35 USC 103 made in the instant Office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CASSANDRA DECKER whose telephone number is (571)270-3946. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Ryman can be reached on (571) 272-3152. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cassandra Decker/
Examiner, Art Unit 2419
10/31/2008

/Daniel J. Ryman/
Supervisory Patent Examiner, Art Unit 2419